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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/482,046	01/13/2000	Antonio Gigola	6557	6489

7590 06/14/2002

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EXAMINER

CHEVALIER, ALICIA ANN

ART UNIT	PAPER NUMBER
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1772

7

DATE MAILED: 06/14/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

MF-7

Office Action Summary

Application N .		Applicant(s)	
09/482,046		GIGOLA, ANTONIO	
Examiner		Art Unit	
Alicia Chevalier		1772	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 March 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) 1-6, 10 and 11 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

RESPONSE TO AMENDMENT

1. Claims 1-6, 10 and 11 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in Paper No. 4.
2. This application contains claims 1-6, 10, and 11 which are drawn to an invention nonelected with traverse in Paper No. 4. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

WITHDRAWN REJECTIONS

3. The 35 U.S.C. §112 rejections of claims 7-9 of record in paper #5, pages 2-3, paragraph #2 have been withdrawn due to Applicant's amendment in paper #6.
4. The 35 U.S.C. §103 rejection of claims 7-9 over Faigle (5,413,872) in view of Holmberg et al. (3,963,810) of record in paper #5, pages 3-6, paragraph #4 has been withdrawn due to Applicant's amendment in paper #6.

NEW REJECTIONS

5. **The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.**

Claim Objections

6. Claim 8 is objected to because of the following informalities: in line 2 there is a typographical error. The word “whch” should be “which”.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

7. Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Korsell (4,732,713) in view of Holmberg et al. (3,963,810).

Korsell discloses an insertable contact body composed of layers or sheets provided with folds or corrugations and which are disposed adjacent one other, the folds in adjacent sheets forming an angle with one another)panels being of different mutual alternating inclination). The sheets may consist of a plastic material or the like and folds have mainly a sine shape or are smoothly rounded between the crests and the depressions (non-rectilinear undulated channels). See column 1, lines 4-9, column 1, line 62 through column 2, line 2, and figures 1 and 2. The adjacent sheet can be joined together by glue (col. 2, lines 20-22).

Figure 4 shows the channels extending between the edges of the sheet with end sections near the edges which constitute inlet and outlet sides of the panel. The end sections are virtually at right angles to the edges of the sheet and each channel has inclined sections for connection to the end sections.

The insertable contact bodies of this invention are used in scrubbers, heat exchangers, and more particularly cooling towers (col. 1, lines 10-14).

Korsell fails to disclose that the filling members are made of cardboard.

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Holmberg discloses a contact body for use in cooling towers and heat exchangers comprising sinusoidal-shaped/corrugated contact plates made of metal, plastics, or impregnated cardboard (col. 1, lines 4-28).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to use impregnated cardboard as the material for the filling members in Korsell because Holmberg shows that plastics, metals, and impregnated cardboard are equivalent for their use in the art of cooling tower contact bodies and the selection of any of these known equivalents would be within the level of ordinary skill in the art.

8. Claims 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Korsell (4,732,713) in view of Holmberg et al. (3,963,810).

Korsell and Holmberg disclose all the limitations of the instant claimed invention except for wherein each the end sections are inclined with respect to the edges of the sheet and the channels are virtually at right angles to the edges.

It is well settled that a particular shape of a prior invention carries no patentable weight unless the applicant can demonstrate that the new shape provides significant unforeseen improvements to the invention. See *In re Seid*, 161 F.2d 229, 73 USPQ 431 (CCPA 1947). Also, see *In re Dailey*, 357 F.2d 669, 149 USPQ 47 (CCPA 1966). In the instant case, the application does not indicate any new, significant attributes of the invention due to its shape, which would have been unforeseen to one of ordinary skill in the art.

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to change the shape/configuration of the channels. One skilled in the art would have been motivated to change the shape/configuration of the channels depending

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on the how many times the user wants to redirect the flow and where the inlet and outlet flows are to be directed. Further channel configurations can be seen in patents 3,111,982, 3,216,494, and 3,757,857.

ANSWERS TO APPLICANT'S ARGUMENTS

9. Applicant's arguments filed in paper #6 regarding the restriction requirement have been carefully considered but are deemed unpersuasive.

Applicant argues that it is impossible to make undulated cardboard with non-rectilinear undulations except by Applicant's method. Specifically that if one were to use the method offered by the Examiner in the earlier office action that the cardboard would tear. This argument is not found to be persuasive since the art of corrugating cardboard is old, and many methods to corrugate cardboard are well known. Furthermore, the art of record uses alternative methods to then the one offered by Applicant to produce the non-rectilinear undulations.

The restriction requirement is still deemed proper and was made FINAL in the previous office action, paper #5.

10. Applicant's arguments filed in paper #6 regarding the 35 U.S.C. 112 and 103 rejections of record have been considered but are moot since the rejections have been withdrawn.

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alicia Chevalier whose telephone number is (703) 305-1139. The Examiner can normally be reached on Monday through Thursday from 8:00 a.m. to 5:00 p.m. The Examiner can also be reached on alternate Fridays



If attempts to reach the Examiner are unsuccessful, the Examiner's supervisor, Harold Pyon can be reached by dialing (703) 308-4251. The fax phone number for the organization official non-final papers is (703) 872-9310. The fax number for after final papers is (703) 872-9311.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose phone number is (703) 308-0661.

ac

6/10/02




HAROLD PYON
SUPERVISORY PATENT EXAMINER


6/11/02